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EXAMINER

ALAUBAIDI, HAYTHIM J

ART UNIT PAPER NUMBER

2161

DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/996,903

Applicant(s)

CHATFIELD ET AL.

Examiner

Haythim J. Alaubaidi

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/15/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is a first Non-Final Office Action in response to the election/restriction response filed on April 28, 2004.
2. Claims 1-61 are presented for examination following the Examiners withdrawal of the election/restriction requirement below.
3. Claims 1, 20, 36, 49 and 61 are the currently the independent claims.
4. Claims 1-15, 20-28, 31-35 and 61 are rejected under 35 U.S.C. 102(b)
5. Claims 16-19, 29-30 and 36-60, are rejected under 35 U.S.C. 103(a).
6. The Examiner reviewed Application NO's: 09784074, 09784075, 10075233 and 10075448.

Response to Arguments

7. Applicant's arguments filed on April 28, 2004 with respect to the election/restriction have been fully considered and are persuasive. The rejection of May 30, 2004 has been withdrawn.

Claim Objections

8. Claims 1, 7, 14 and 16, is objected to because of the following informalities:

The Examiner is objecting to the under-lined limitation of "rout the particular end-user". The claimed language could be interpreted as the end-user himself is being routed. The Examiner understands that the request or the access is what's being routed. Appropriate correction is required.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-15, 20-28, 31-35 and 61 are rejected under 35 U.S.C. 102(b) as being anticipated by Timothy Cogger (U.S. Patent No. 6,032,184 and Cogger hereinafter).

Regarding Claims 1-2, 32 and 61, Cogger, discloses:

a service provider selection mechanism (database¹) (Col 2, Lines 19-25; see also Col 6, Lines 10-14; see also Col 3, Lines 26-30; see also Col 3, Lines 34-39, i.e. *the Web-server downloads an available suite of services for that customer*; see also Col 4, Lines 15-20, i.e. *display a scrollable table*) configured to relate a particular service provider to a particular end-user for providing the particular service to the particular end-user (Col 4, Lines 20-26, i.e. *an organization field indicating what customer or service organization that currently has authority over the trouble ticket*; see also Col 4, Lines 7-8, i.e. *a service organization that has been assigned the trouble ticket*); and

¹ This is according to Claim No. 2.

a path determination mechanism configured to route the particular end-user through the access network to the particular service provider when the particular end-user requests the particular service (Col 12, Lines 25-35).

Regarding Claim 3, Cogger discloses a distributed database (Figure No. 4, Element No. 17, i.e. plurality of web servers; see also Col 6, Lines 9-13).

Regarding Claim 4, Cogger discloses:

plurality of end-user service entries (Figure No. 11 and corresponding text, i.e. ticket list)

an end-user identification indicator (Figure No. 11, i.e. Ticket Number²; see also Col 3, Lines 48-56; see also Col 6, Line 66 through Col 7, Line 3, i.e. user identity, authentication and entitlement; see also Figure No. 8, i.e. phone number);

a selected service indicator (Figure 6, Element No. 316 and 318 and corresponding text; see also Col 13, Lines 7-14); and

a selected service provider indicator (Col 3, Lines 34-39, i.e. *the Web-server downloads an available suite of services for that customer*; see also Col 4, Lines 15-20, i.e. *display a scrollable table*; see also Col 4, Lines 20-26, i.e. *an organization field indicating what customer or*

² Please note that the Examiner's interpretation to the "end-user identification" is based on the ticket number according to Cogger's description on Col 3, Lines 31-39. Where the user (end-user) is logging on to the system (ticketing system) he/she is being authenticated to make sure he/she is entitled to use the system (please also see Col 3, Lines 48-56). The system now identified the user, so when a ticket number is assigned to that user, the ticket number can also be interpreted as a customer ID because it is unique to that user.

Art Unit: 2161

service organization that currently has authority over the trouble ticket; see also Col 4, Lines 7-8, i.e. a service organization that has been assigned the trouble ticket).

Regarding Claims 5 and 26, Cogger discloses wherein the end-user identification indicator is a telephone number (Figure No. 8, i.e. phone number).

Regarding Claims 6 and 33, Cogger discloses and operator of the access network (Col 3, Lines 48-61).

Regarding Claims 7-9, 12 and 21-23, the limitations of this claim are similar to the limitations of Claim 1, above and were addressed in rejecting Claim 1, above. In addition, Cogger discloses the request is made over the access network providing a communication path between the particular end-user and a data center (Col 3, Lines 31-37)³.

Regarding Claim 10, Cogger discloses a dialup connection (Col 5, Lines 19-30).

Regarding Claims 11, 13 and 24-25, Cogger discloses a telephone company (Col 16, Lines 28-31).

Regarding Claims 14 and 27, Cogger discloses a forwarding path (Col 4, Lines 20-26, i.e. *an organization field indicating what customer or service organization that currently has authority over the trouble ticket; see also Col 4, Lines 7-8, i.e. a service organization that has been assigned the trouble ticket).*

³ Please note that the Examiner is interpreting the "open access network" to be similar to the Internet.

Art Unit: 2161

Regarding Claims 15, 28 and 34, Cogger discloses a virtual local area network (Col 8, Lines 62-66, i.e. virtual data network).

Regarding Claims 20 and 31, Cogger discloses:

plurality of end-user service entries (Figure No. 11 and corresponding text, i.e. ticket list)

an end-user identification indicator (Figure No. 11, i.e. Ticket Number⁴; see also Col 3, Lines 48-56; see also Col 6, Line 66 through Col 7, Line 3, i.e. user identity, authentication and entitlement; see also Figure No. 8, i.e. phone number);

a selected service indicator corresponding to a selected one of⁵ the first service and the second service (Figure 6, Element No. 316 and 318 and corresponding text; see also Col 13, Lines 7-14⁶); and

a selected service provider indicator (Col 3, Lines 34-39, i.e. *the Web-server downloads an available suite of services for that customer*; see also Col 4, Lines 15-20, i.e. *display a scrollable table*; see also Col 4, Lines 20-26, i.e. *an organization field indicating what customer or service organization that currently has authority over the trouble ticket*; see also Col 4, Lines 7-8, i.e. *a service organization that has been assigned the trouble ticket*);

⁴ Please note that the Examiner's interpretation to the "end-user identification" is based on the ticket number according to Cogger's description on Col 3, Lines 31-39. Where the user (end-user) is logging on to the system (ticketing system) he/she is being authenticated to make sure he/she is entitled to use the system (please also see Col 3, Lines 48-56). The system now identified the user, so when a ticket number is assigned to that user, the ticket number can also be interpreted as a customer ID because it is unique to that user.

⁵ Please note that the "one of" is directing the Examiner to select only one service.

⁶ Please note that the drop down menu button of Figure No. 6, Element No. 318 with the provided Appendix "A" showing in Col 17-19, is the indications of the availability to many services (not just two).

a service provider selection mechanism (Col 2, Lines 19-25; see also Col 6, Lines 10-14; see also Col 3, Lines 26-30; see also Col 3, Lines 34-39, i.e. *the Web-server downloads an available suite of services for that customer*, see also Col 4, Lines 15-20, i.e. *display a scrollable table*) configured to populate the digital repository with an end-user service entry (Col 4, Lines 20-26, i.e. *an organization field indicating what customer or service organization that currently has authority over the trouble ticket*; see also Col 4, Lines 7-8, i.e. *a service organization that has been assigned the trouble ticket*); and

a service request mechanism (Figures 5-7 and corresponding text); and

a path determination mechanism configured to query the digital repository for a retrieved end-user service entry based on the end-user and the requested service (Figure 11 and corresponding text; see also Col 15, Lines 30-38)

and to provide a network path from the end-user to a selected service provider (Col 12, Lines 25-35)

the selected service provider being determined based on information stored in the retrieved end-user service entry (Figures 6-7 and corresponding text).

Regarding Claim 35, the limitations of this claim are similar to the combination of the rejected claims 16 and 18, and were addressed in rejecting claims 16 and 18. It is therefor rejected as set forth above.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 16-19 and 29-30, are rejected under 35 U.S.C. 103(a) as being unpatentable over Timothy Cogger (U.S. Patent No. 6,032,184 and Cogger hereinafter) in view of Lee S. Mighdoll (U.S. Patent No. 6,332,157 and Mighdoll hereinafter).

Regarding Claims 16, 17, 19 and 29, Cogger's reference discloses all of the claimed subject matter set forth above, except it does not explicitly indicate the feature for routing the particular end-user to an alternate service provider when a path is not available and to provide the service. However, Mighdoll discloses routing the particular end-user to an alternate service provider when a path is not available (Mighdoll, Abstract; see also Col 13, Lines 43-61; see also Figure 9, Element No. 902 and 906 and corresponding text; see also Col 2, Lines 50-57).

Given the intended broad application of Cogger's system, It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Cogger with the teachings of Mighdoll to include the feature of re-routing the request, and the motivations to do so would be to better balance the load of requests among the plurality of service providers (Mighdoll, Col 2, Lines 30-39), also

Art Unit: 2161

to increase the reliability of the system by maintaining backups (other service providers) in case of a an overload.

Regarding Claims 18 and 30, Mighdoll discloses assigning a user-specified service provider (Col 2, Lines 58-67).

12. Claims 36-60, are rejected under 35 U.S.C. 103(a) as being unpatentable over David Monachello (U.S. Patent No. 6,748,439 and Monachello hereinafter) in view of Timothy Cogger (U.S. Patent No. 6,032,184 and Cogger hereinafter).

Regarding Claims 36, 40-42, 49 and 52-54, Monachello discloses:

populating a digital repository (Col 4, Lines 35-36, i.e. table) with a first indicator of an association between the end-user and the first service provider (Col 4, Lines 35-41)

populating a digital repository (Col 4, Lines 35-36, i.e. table) with a second indicator of an association between the end-user and the second service provider (Col 4, Lines 35-44)

querying the digital repository for one of the first indicator and the second indicator based on the end-user making a request (Col 4, Lines 50-55); and

routing the end-user to one of the first service provider (Col 4, Lines 22-26; see also Col 4, Lines 55-58).

Monachello's reference is teaching a method and system for dynamically selecting a network service provider by a user (Monachello, Abstract) and the path determination of the connection (Figure No. 3). Monachello, does not teach the limitation of requesting by the end-user to receive one of the first selected service.

However, Cogger discloses requesting by the end-user to receive one of the first selected service (Figures 5-7 and corresponding text⁷).

Given the intended broad application of Monachello system, It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Monachello with the teachings of Cogger to include the feature of having the end-user to request a selected service in order to allow for and to maximize the system flexibility by adding such a capability to Monachello.

Regarding Claims 37 and 50, the limitations of this claim are similar to the rejected claim 36 above. In addition, Monachello discloses providing a communication path between the end-user and the data center (Figure No. 3, i.e. Central Office (co) and corresponding text; see also Col 4, Lines 21-30) and routing the end-user to the data center and from the data center to the service provider (Figure No. 3, i.e. Central Office (co) and corresponding text; see also Col 4, Lines 21-30).

Regarding Claim 38, Monachello discloses open access network (Figure No. 3, and corresponding text).

Regarding Claims 39 and 51, Cogger discloses a dial up connection (Col 5, Lines 19-30).

Regarding Claims 43 and 56, Monachello discloses forwarding path (Col 7, Lines 59-67).

Regarding Claims 44 and 57, Monachello discloses virtual circuits (Col 5, Lines 62-67) and virtual local area network (Col 5, Lines 15-20).

Regarding Claims 45 and 58, Monachello discloses populating the digital repository with a third indicator of an association between the end-user and an alternate service provider for providing the first selected service to the end-user when the first selected service is not available from the first service provider (Col 6, Line 66 through Col 7, Line 15, i.e. ws3⁸; see also Col 3, Lines 40-65); and

wherein the routing step further comprises routing the end-user to the alternate service provider to provide the first selected service when a network path is not available from the end-user to the first service provider (Col 3, Lines 50-54).

Regarding Claims 46 and 59, Monachello discloses a default (Col 6, Lines 15-21, i.e. default NSP).

⁷ Figures 5-7 are the process of opening a ticket (requesting a service)

⁸ Please note that the "ws3" is an indicator or an identifier that is being used in the repository (master table).

Regarding Claim 47, Monachello discloses an authorized agency (Col 4, Lines 10-20).

Regarding Claims 48 and 60, the limitations of this claim are similar to the combination of the rejected claims 46 and 45, and were addressed in rejecting claims 46 and 45. It is therefor rejected as set forth above.

Regarding Claim 55, Monachello discloses the end-user id is a number (Col 6, Lines 28-65 including the table, i.e. ws1 – ws3).

Other Prior Art Made of Record

13. a. Lurie et al. (U.S. Patent No. 6704403) discloses an apparatus and method for ensuring a real-time connection between users and selected service provider using voice mail;

b. Bahlmann (U.S. Patent No. 6487594) discloses a policy management method and system for internet service providers; and

c. Pruett et al. (U.S. Patent No. 5953389) discloses a combination system for provisioning and maintaining telephone network facilities in a public switched telephone network.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Points of Contact

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haythim J. Alaubaidi whose telephone number is (571) 272-4014. The examiner can normally be reached on Monday - Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any response to this office action should be mailed to:

The Commissioner of Patents and Trademarks, Washington, D.C. 20231 or telefax at our fax number (703) 872-9306.

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, 6th Floor Receptionist, Arlington, Virginia. 22202.

Haythim J. Alaubaidi

Patent Examiner
Technology Center 2100
Art Unit 2161
December 10, 2004


SAFET METJAHIC
SUPERVISORY PATENT EXAMINER
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